Harold Weisberg
Route 8, Frederick, md. 21701
August 30, 1972

Dear Mr. Thomas J. Kelley,

Your letter of August 28 begins, "The Secret Service is unable to furnish you with the information requested in your letter of August 19,1972." If this is true, as I believe it is not, I then believe it amounts to confession of a crime. The third paragraph of my letter requests " acopy of whatever law or other legal authority permitted the Secret Service to dispose of this government property," namely film purchased from federal appropriations.

Moreover, this film, once exposed, was covered by regulations which I believe have the force and effect of law.

If the Secret Service did not violate the law in disposing of this film, the it does have and can provide me with copies of the legal authorization requested. I renew this request. If this government property was illegally disposed of, should not criminal action be instituted, beginning with the person who authorized it and continuing through all hands, including those who transported it out of government possession? As a citizen and taxpayer I believe this to be as true as if what was illegally disposed of was, say, a typewriter.

In the same sense, the rest of this paragraph is susceptible of specific response and I renew my request with respect thereto. There are or there are not "any rulings, interpretations, decisions or any other records involved." Moreover, under a number of controlling decisions, if these formerly enjoyed an immune status, that has been waived.

My next paragraph refers to a memorandum of Secret Service composition referring in turn to the exposure to light of certain autopsy film. The Secret Service is the agency of origin and under the law the "agency of paramount interest". This memorandum exists, has been shown to others who have published its contents, and I renew my request for a copy of it from the agency of both origin and paramount interest. (I have already provided you a copy of the relevant page of the Attorney General's Memorandum on 5 U.S.C.552.) The remainder of this paragraph makes request for identifiable documents, the requirement of the law.

You make a distinction in your letter between "information and any documents". This paragraph makes what I believe is a perfectly proper request for information on which there may or may not be other records having to do with light damage to film or the destruction of any evidence relating to the assassination of the President. When there is at least one existing official and quoted record on this, can you truthfully say, as you do say, "The Secret Service is unable to furnish you with the information requested" and "We do not have such information"?

You say further requests for any information about the assassination should be address to the Archivist. I have and exercise my rights under the law and pursuant to them I elect to address the Secret Service. Moreover, the Archivist has himself ruled on this so repetit I ought not have to remind you. It is thus that I addressed the Secret Service to begin wit I do not believe that any ex poste factor act by the Secret Service changes this. I don't believe there is a single thing I have asked of you that was not part of the first request made after referral by the Archivist and pursuant to written Secret Service invitation.

I admit the beginning of my letter may be in a different category. I do not know and have not consulted counsel. I would still prefer not to have to. So I present this to you, personally, on this basis: did you tell me the truth, the whole truth and nothing but the truth? I trusted you to tell me the truth, accepted and wrote it as the truth, and I do not now want to amend that writing to say you did not. For some years I have had a different vi of the position and problems of the Secret Service in this matter, which is something separ from the documentary record of the past. You have involved my personal integrity and the ob gation I feel to the making of an accurate historical record. I take both seriously. So wha I am really asking is to be put in a position not to have to add a footnote or other commer that in one way or another would have to say that The Hon. Thomas J. Kelley, Assistant Dire of the Secret Service in charge of keeping American Presidents alive lied. The choice is yours, not mine.

Sincerely,

Harold Weisberg